

HEIRS OF BARBARA WALKER.

[To accompany Bill H. R. No. 828.]

JUNE 13, 1860.

Mr. FENTON, from the Committee on Invalid Pensions, made the following

REPORT.

The Committee on Invalid Pensions, to whom was referred the petition of Amanda Batts, Laura P. W. Young, and Betsey Murdock, children and heirs of Barbara Walker, report :

That they have examined the evidence in the case, from which it appears that Barbara Walker was the widow, now deceased, of Gideon Walker, who died in the service of the United States during the war of 1812. That the mother of said petitioners, the said Barbara Walker, was entitled to a half-pay pension by the laws of the United States, and made her application for said pension before Allen D. Scott, esq., surrogate of the county of Cattaraugus, in the State of New York, on or about the month of February, 1859, which was *immediately* forwarded to the department at Washington, and which remained on file until the 9th day of May, 1859, when a certificate was issued granting a pension to said Barbara Walker of eight dollars and fifty cents per month from the 3d day of February, 1853, to the 3d day of February, 1858. The following is a copy of said certificate :

Widow's claim.

DEPARTMENT OF THE INTERIOR.

I certify that, in conformity with the first section of the act of February 3, 1853, Barbara Walker, widow of Gideon Walker, who was a quartermaster's sergeant in the 19th regiment of United States infantry, and died on the 16th day of December, 1814, is entitled to receive five years' half pay, at the rate of eight dollars and fifty cents per month, commencing on the 3d day of February, 1853, and terminating on the 3d day of February, 1858.

Given at the Department of the Interior this 9th day of May, 1859.

J. THOMPSON,

Secretary of the Interior.

Examined and countersigned.

GEO. C. WHITING,
Commissioner of Pensions.

On this certificate is also indorsed, in red ink, the following :
 “*Amount due on this certificate, per Pension office calculation, \$510.*”

The evidence further shows that the said Barbara Walker, after making her application as above stated, died on the 7th day of March, 1859, leaving the said petitioners her only children and heirs. That they applied to the Pension office for the pension above mentioned in said certificate, as the heirs of their deceased mother, and were informed that the payment was refused. The Commissioner of Pensions refuses to pay the same, on the ground that the widow died before her application was granted. The petitioners allege that the pension was all due when the application was made; that the applicant had *then* complied with all the law required *her* to do, and the pension certificate was granted upon that application; that the pension was due the applicant, and was in the nature of a vested right to the amount granted, which, on her death, is equitably due to her heirs.

These facts, about which there is no dispute, have induced your committee to come to the unanimous conclusion that the claim of the petitioners is equitable and just, and they have reported a bill instructing the Secretary of the Treasury to pay said sum, declared in said certificate to be due Barbara Walker, to her heirs, the said Amanda Batts, Laura P. W. Young, and Betsey Murdock.

GEO. G. WHITING,

Commissioner of Pensions.